



DEPARTMENT OF THE ARMY
BUFFALO DISTRICT, CORPS OF ENGINEERS
1776 NIAGARA STREET
BUFFALO, NEW YORK 14207-3199

REPLY TO:
ATTENTION OF:

PERMITTEE: PANDA PROPERTIES, LTD.

PERMIT NUMBER: 2000-02440(0)

EFFECTIVE DATE: April 12, 2001

NOTE: The term you and its derivatives, as used in this permit, means the permittee or any future transferee. The term "this office" refers to the appropriate district or division office of the Corps of Engineers having jurisdiction over the permitted activity under the authority of the commanding officer.

You are authorized to perform work in accordance with the terms and conditions specified below. (and continue on page 5)

PROJECT DESCRIPTION: PANDA PROPERTIES, LTD., 7280 BAYSHORE ROAD, MARBLEHEAD, OHIO 43440, IS HEREBY AUTHORIZED BY THE SECRETARY OF THE ARMY TO: CONSTRUCT A J-SHAPED STONE BREAKWALL 203.3 FEET WATERWARD, 100 FEET IN AN EASTERLY DIRECTION AND 51.5 IN A SHOREWARD DIRECTION, AND INSTALL A FLOATING DOCK ALONG THE INSIDE PERIMETER OF THE BREAKWALL IN ACCORDANCE WITH THE GENERAL AND SPECIAL CONDITIONS, AND THE PLANS AND DRAWINGS AND ANY ADDITIONAL SPECIAL CONDITIONS ATTACHED HERETO WHICH ARE INCORPORATED IN AND MADE A PART OF THIS PERMIT.

PROJECT LOCATION: THE PROJECT IS LOCATED IN SANDUSKY BAY, AT 7280 BAYSHORE ROAD, IN THE CITY OF MARBLEHEAD, OTTAWA COUNTY, OHIO.

PERMIT CONDITIONS

GENERAL CONDITIONS:

1. The time limit for completing the work authorized ends on April 12, 2004. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least one month before the above date is reached.
2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you must make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity, or should you desire to abandon it without a good faith transfer, you may obtain a modification of this permit from this office, which may require restoration of the area.
3. If you discover any previously unknown historic or archaeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and state coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.
4. If you sell the property associated with this permit, you must obtain the signature of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.
5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit.
6. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.
7. The permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.

FURTHER INFORMATION:

1. Congressional Authorities: You have been authorized to undertake the activity described above pursuant to:

Section 10 of the Rivers and Harbors Act of 1899 and

Section 404 of the Clean Water Act (33 U.S.C. 1344).

2. Limits of this authorization.

- a. This permit does not obviate the need to obtain other Federal, state or local authorizations required by law.
- b. This permit does not grant any property rights or exclusive privileges.

- c. This permit does not authorize any injury to the property or rights of others.
 - d. This permit does not authorize interference with any existing or proposed Federal project.
3. Limits of Federal Liability. In issuing this permit, the Federal Government does not assume any liability for the following:
- a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.
 - b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.
 - c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.
 - d. Design or construction deficiencies associated with the permitted work.
 - e. Damage claims associated with any future modification, suspension, or revocation of this permit.
4. Reliance on Applicant's Data: The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.
5. Reevaluation of Permit Decision. This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:
- a. You fail to comply with the terms and conditions of this permit.
 - b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (see 4 above).
 - c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you to comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as this specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

6. Extensions. General condition 1 establishes a time limit for the completion of the activity authorized by this permit. Unless there are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the public interest decision, the Corps will normally give favorable consideration to a request for an extension of this time limit.

Your signature below, as permittee, indicates that you accept and agree to comply with the terms and conditions of this permit.

PAIDA PROPERTIES, LTD

BY:

(PERMITTEE)

KENNETH D. THORNBURG
MEMBER

3/29/01

(DATE)

This permit becomes effective when the Federal official, designated to act for the Secretary of the Army, has signed below.

Glen R. DeWillie, Lieutenant Colonel, U.S. Army

(DISTRICT COMMANDER)

April 12, 2001

(DATE)

When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below.

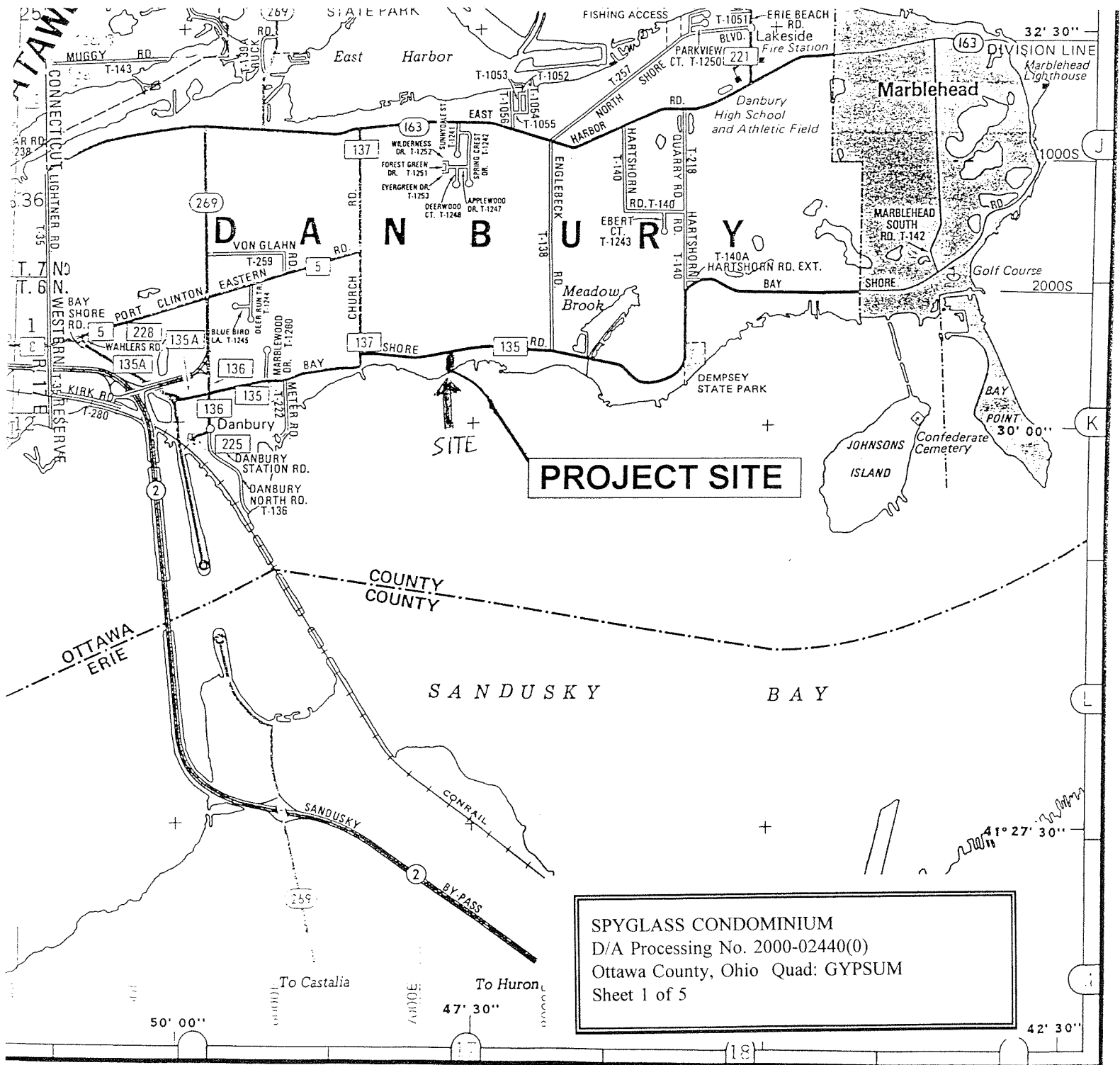
(TRANSFEREE)

(DATE)

SPECIAL CONDITIONS:

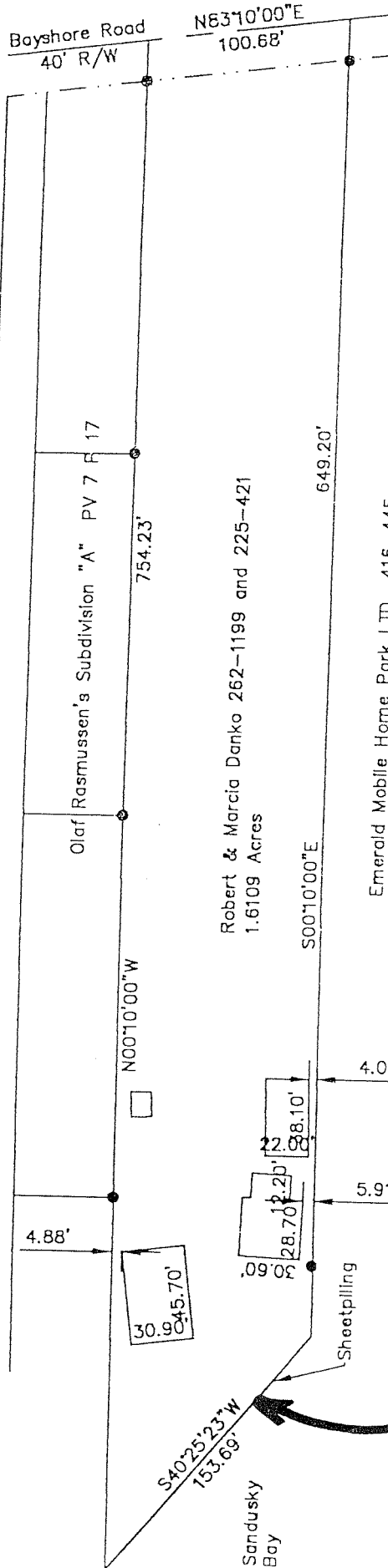
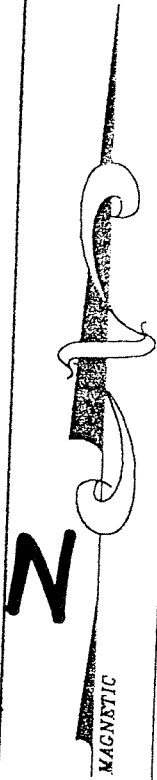
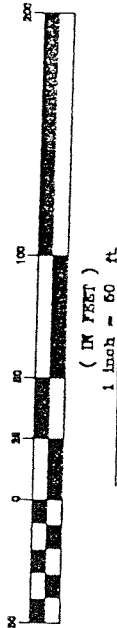
1. That this permit does not authorize the discharge of dredged or fill material into Sandusky Bay (Lake Erie) for the purpose of creating temporary structures that include but are not limited to groins, cofferdams, work pads, laydown areas, and access roads.
2. That this permit does not authorize sidecasting or any other temporary or permanent disposal of dredged or fill material in Sandusky Bay (Lake Erie), or any other water of the United States including freshwater wetlands.
3. That you are responsible for ensuring that the contractor and/or workers executing the activity(s) authorized by this permit have knowledge of the terms and conditions of the authorization and that a copy of the permit document is at the project site throughout the period the work is underway.
4. That no in-water work shall be performed between April 15 and June 15 to preclude adverse impacts on the spawning, nursery, and feeding activities of indigenous fish species.
5. That the fill material shall be free of fines, oil and grease, debris, wood, general refuse, plaster, and other pollutants, and shall contain no broken asphalt.
6. Your use of the proposed activity must not interfere with the public's right to free navigation on all navigable waters of the United States.
7. You must install and maintain, at your expense, any safety lights and signals prescribed by the United States Coast Guard (USCG), through regulations or otherwise, at your authorized facilities. The USCG may be reached at the following address: QM1 James J. Sabatino, Private Aids to Navigation Manager, U.S. Coast Guard, Ninth Coast Guard District (oan), 1240 East Ninth Street, Cleveland, Ohio 44199-2060, by telephone: (216) 902-6074, by FAX: (216) 902-6071, or by email: jsabatino@d9.uscg.mil .
8. That the Water Quality Certification issued for this project by the State of Ohio is part of this Department of the Army permit pursuant to Section 401(d) of the Clean Water Act. Noncompliance with any limitations or requirements stated in the certification may be a basis for suspension, revocation or modification of this permit.

Vicinity Map
7280 Bayshore Road, Marblehead, Ohio 43440
Danbury Township, Ottawa County, Ohio
For Panda Properties Ltd.



EXISTING SITE

GRAPHIC SCALE



Shoreline

SPYGLASS CONDOMINIUM
D/A Processing No. 2000-02440(0)
Ottawa County, Ohio Quad: GYP SUM
Sheet 2 of 5

FEICK SURVEYORS

224 East Water Street, Sandusky, Ohio 44870, 419-525-3241

DRAWN BY: CMF

DATE: 3/10/2000

JOB #12: 56378

SHEET 1 OF 1

Plat of Survey

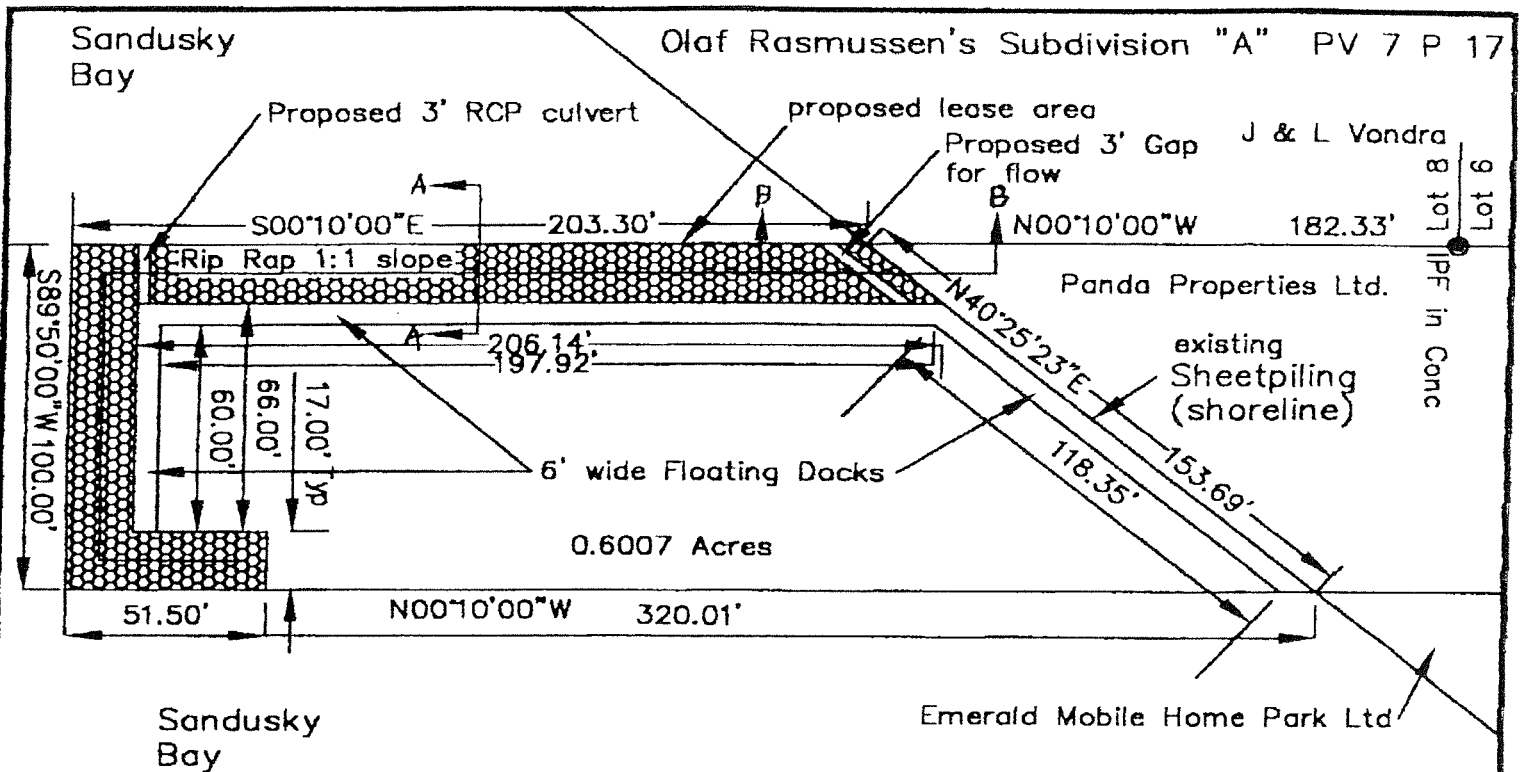
Panda Properties

7200 Bayshore Road, Marblehead
Section 2 Lot 6
Sandusky Township, Ottawa County, Ohio



Carl Feick

Carl M. Feick P.S. 7035



MAGNETIC

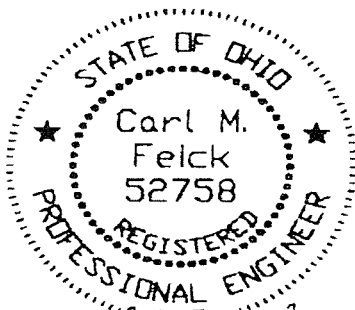


GRAPHIC SCALE



(IN FEET)
1 inch = 50 ft

Revised 12/15/2000



Carl Feick

FEICK SURVEYORS

224 East Water Street, Sandusky, Ohio 44870, 419-625-3241

DRAWN BY: CMF

DATE: 6/5/2000

JOB NO.: 56378

SHEET 1 OF 1

Proposed Breakwall

Panda Properties

Plan View

7280 Bayshore Road, Marblehead

Section 2 Lot 6

Danbury Township, Ottawa County, Ohio

SPYGLASS CONDOMINIUM

D/A Processing No. 2000-02440(0)

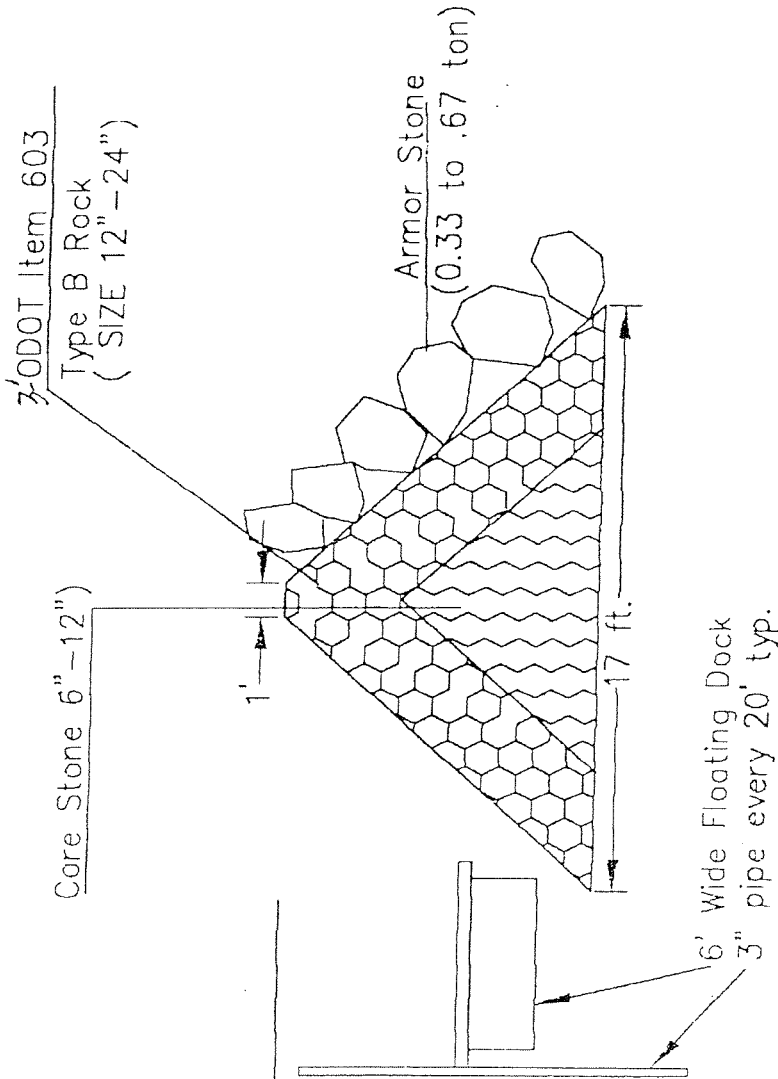
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Sheet 3 of 5

12/18/00

504 4

inside outside

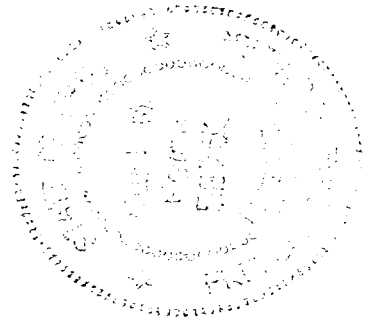


576.5 Top (IGLD 1985)

573.4 (IGLD 1985) Waterline

570.7 (IGLD 1985) Water 2/8/2000

568.2 BOTTOM (IGLD 1985)



Carl Feick

FEICK SURVEYORS

224 East Water Street, Sandusky, Ohio 44870, 419-625-3241

DRAWN BY: CMF

DATE: 6/15/2000

JOB NO.: 56378

SHEET 1 OF 1

Proposed Breakwall

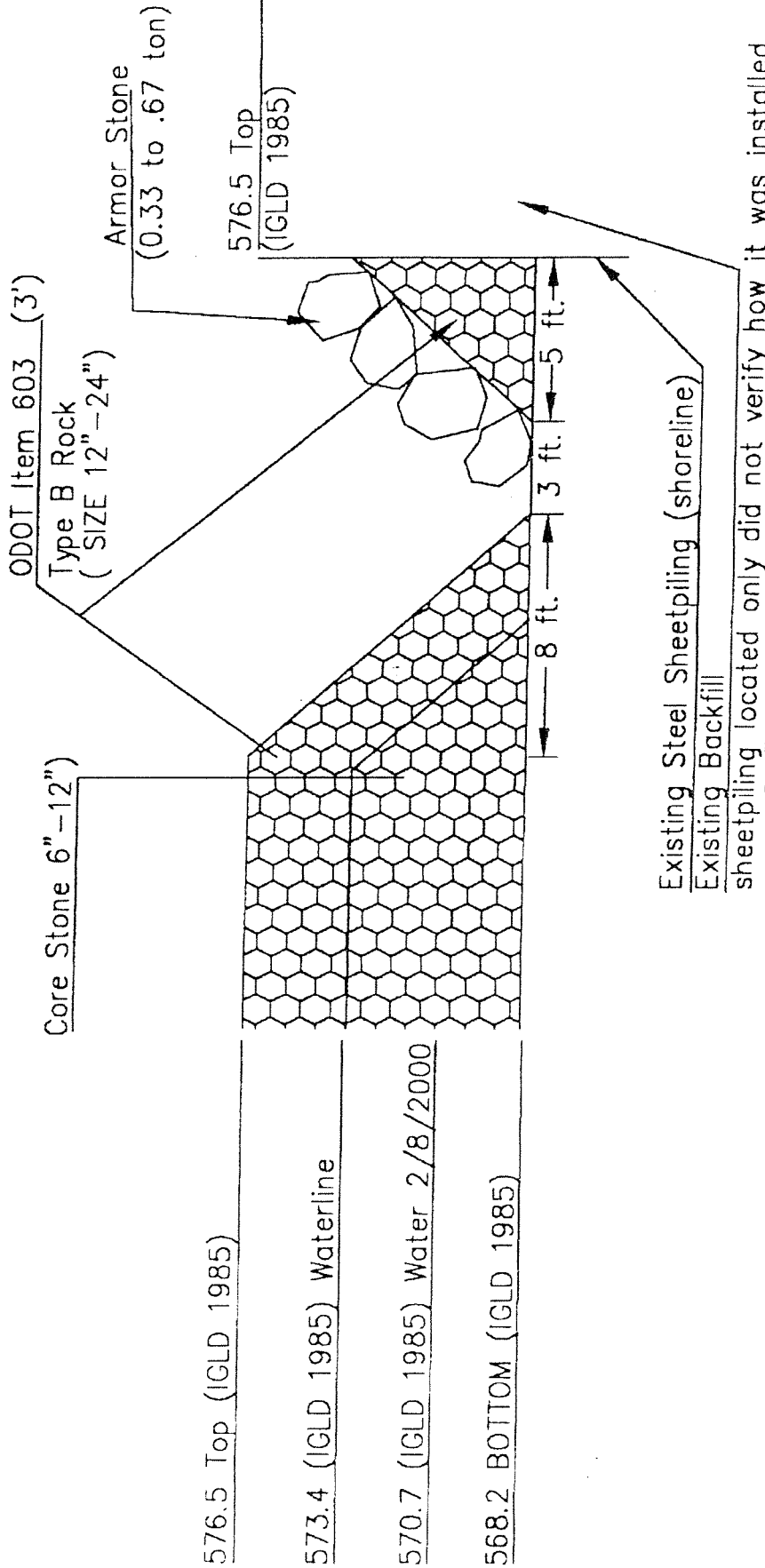
Panda Properties Section View

7280 Bayshore Road, Marblehead

Section 2 Lot 6

Danbury Township, Ottawa County, Ohio

SPYGLASS CONDOMINIUM
D/A Processing No. 2000-02440(0)
Ottawa County, Ohio Quad: GYPSUM
Sheet 4 of 5



FEICK SURVEYORS

224 East Water Street, Sandusky, Ohio 44870, 419-625-3241

DRAWN BY: CMF

DATE: 12/15/2000

JOB NO.: S6378

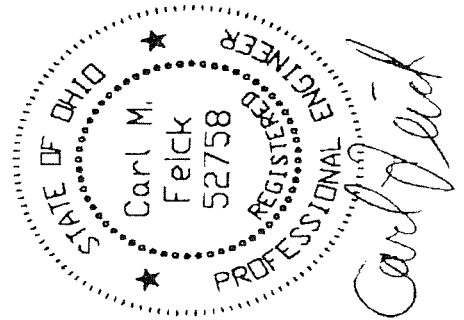
SHEET 1 OF 1

Proposed Breakwall

Panda Properties Cross Section View B-B

7280 Bayshore Road, Marblehead
Section 2 Lot 6

Danbury Township, Ottawa County, Ohio



SPYGLASS CONDOMINIUM

D/A Processing No. 2000-02440(0)

Ottawa County, Ohio Quad: GYPSUM

Sheet 5 of 5

12/18/00